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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,813	03/18/2004	Masato Yamaguchi	250489US6	5876
22850 7590 03/21/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DRAVININKAS, ADAM B	
			ART UNIT 2627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			NOTIFICATION DATE	
3 MONTHS			03/21/2007	
			DELIVERY MODE ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/21/2007.

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Office Action Summary

Application No.

10/802,813

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Adam B. Dravininkas

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/05/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is longer than 150 words.

Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: DISK LOADING SYSTEM WITH SWITCHES TO DETECT POSITION OF DISK.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuichi et al. (JP 05-120781) in view of Hertrich (US 2005/0028180 A1).

Re. claims 1, 2, 4, and 5: Katsuichi et al. discloses a disk recording and reproducing device having a slide member (5) which is slidable by drive means (30) through a rack (35) to pull a disk (1) in a horizontal direction (a') from a disk ejecting position (fig. 2)

and thereafter lower the disk vertically and position the disk in a disk writing/reading position (fig. 4) in which information can be written on and read from the disk by an optical pickup (not shown), (see drawings 2-10; paras. 0009, 0017-0019)

and the disk recording and reproducing device has
detecting means (20, 21) on a chassis (14) thereof for being electrically detected by the switch trigger, and (see drawings 1a-c, 2-4; paras. 0013-0014)

wherein while the disk is moving from the disk writing/reading position toward the disk ejecting position, the detecting means is operated by the switch trigger of the slide member, and the disk is held in a disk standby position which is spaced a predetermined distance from an objective lens of the optical pickup. (see drawings 2-4; paras. 0032-0037)

In the disk standby position, a surface of the disk (lower surface) is spaced from the objective lens by a distance large enough to prevent the objective lens from contacting the surface of the disk even when the objective lens is moved in a movable range thereof. (see drawing 7; paras. 0025 and 0028)

The detecting means detects the disk ejecting position, the disk writing/reading position, and the disk standby position based on a combination of the turning on and off of a pair of switches(20, 21). (see drawings 1a-c, 2-4; abstract, paras. 0032, 0036, 0037)

The disk comprises a cartridge-type disk (2). (see drawings 1a-c, 2-4, 9, 10; abstract, para. 0009)

However, Katsuichi et al. fails to disclose or fairly suggest that the slide member has a switch trigger.

Hertrich teaches a slide member (104) breaking an IR beam being detected by a phototransistor. (see para. 0032)

Therefore, in view of Hertrich, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the slide member able to trigger a switch of an IR beam/phototransistor combination in order to instruct the controller to initiate the next step in the loading process.

Re. claim 3: Katsuichi et al. modified by Hertrich fails to disclose or fairly suggest that the disk is stopped in the disk standby position on upward movement thereof while the disk is moving from the disk writing/reading position toward the disk ejecting position.

However, absent any criticality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to program the device to pause the tray in the standby position on an upward movement in order to ensure the disk alignment with the exit aperture.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hattori et al. discloses a recording medium loading mechanism. Kanazawa et al. discloses a disk loading system for a magneto-optical disk drive. Endo et al. discloses an optical disk apparatus for using multiple types of disks. Katsuyama et al. discloses an information recording regenerating apparatus.

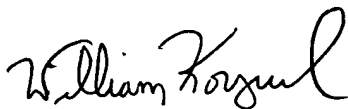
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam B. Dravininkas whose telephone number is (571) 270-1353. The examiner can normally be reached on Monday to Thursday 9:00a - 6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ABD
Adam Dravininkas
March 13, 2007


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